

**BROOKS HOTEL LOT 6-A
SEVEN-LOT, FOURTEEN-UNIT CONDOMINIUM PROPOSAL AND VARIANCE REQUEST**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell *TR*

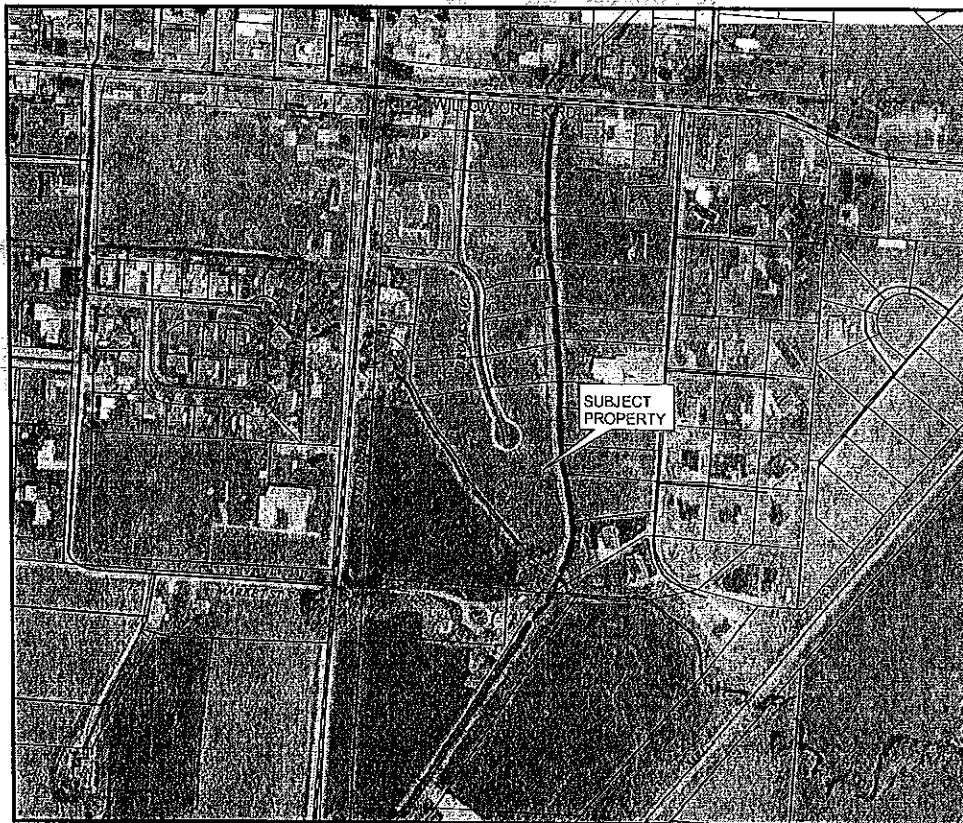
**REVIEWED/
APPROVED BY:** Randy Fifrick *RF*

PUBLIC MEETINGS: Planning Board Public Meeting 7:00 p.m. March 4, 2009
BCC Public Meeting: 9:00 a.m. April 2, 2009
Deadline for BCC action (60 working days): April 17, 2009

SUBDIVIDER: R & G Inc.
448 Quast Lane
Corvallis, MT 59828

REPRESENTATIVE: Shepherd Surveying
320 Adirondac Avenue
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located within the Community of Corvallis off Brooks Avenue. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

NW ¼ of Section 4, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed sufficient on January 26, 2009. Agencies were notified of the subdivision on March 29, 2008 and February 18, 2009. Comments received from agencies are Exhibits A-1 through A-15 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated February 18, 2009. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property:	Residential/Vacant
North:	Residential
South:	Proposed Ag. Revocation
East:	Residential
West:	Agricultural

INTRODUCTION

Brooks Hotel Lot 6-A is a seven-lot major subdivision proposed on 3.35 acres. All lots have been expressly contemplated for use as sites for two-unit condominium dwellings, for a total of 14 units. Lots will be hooked-up to the Corvallis County Sewer District and will have individual wells.

Staff recommends approval of the variance request and conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD

MARCH 4, 2009

BROOKS HOTEL LOT 6-A
SEVEN-LOT MAJOR SUBDIVISION AND 14-UNIT CONDOMINIUM PROPOSAL

PLANNING STAFF RECOMMENDED MOTION

1. That the variance request from Section 5-2-2(a)(7) of the Ravalli County Subdivision Regulations to allow for a flag lot as part of the lot configuration be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.
2. That the Brooks Hotel Lot 6-A Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: The Planning Board should include a recommendation regarding parkland dedication as part of the motion.*)

PLANNING STAFF RECOMMENDED CONDITIONS

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water users have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Notification of Water Rights. Residents within this subdivision do not currently have the right to take irrigation water out of **Willow Creek or the Surprise Ditch**. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (*Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities*)

Notification of No-Build/Alteration Zones. Within this subdivision there is a no-build/alteration zone, as shown on the plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. However, activities directly associated with the maintenance of irrigation ditches, such as noxious weed control and clearing vegetation within the ditches, are allowed. The proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native vegetation (trees, shrubs) is also allowed. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Public Health & Safety*)

Notification of Proximity to Willow Creek. This subdivision is located in close proximity to Willow Mile Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Painted Rocks Reservoir Dam. A portion of the property may be located within the dam inundation area for the Painted Rocks Reservoir Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). A map of the probable extent of the inundation area is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

Flood Hazard Zone for Willow Creek. The lowest enclosed floor of each structure (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is greater). A map showing the extent of the 100-year floodplain, including elevations, is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

Recommendation for Flood Insurance. Although not within the FEMA-mapped floodplain, the Floodplain Administrator recommends that property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

Notification of Road Maintenance Agreement. The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road/common access maintenance agreement for the road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

Notification regarding Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment*)

Notification regarding Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is

recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)

Notification of Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.

- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)

Riparian Use Guidelines. The following covenants, designed to guide use of the "no build/alteration zone", shall apply:

- a. No building, no new roads or alteration is allowed in the no-build/alteration zone.
- b. No motorized use is allowed in the no-build/alteration zone.
- c. It is illegal to modify the streambed or streambanks of a perennial stream without a "310" permit (Montana Natural Streambed and Land Preservation Act). Any stream crossings need to follow any and all local and /or state regulations relative to bridge/culvert construction materials/methods. Certain other actions near a stream may require state and/or federal permit(s). Contact the Bitterroot Conservation District office for further information.

- d. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zone. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- e. Do not plant lawns within the no-build/alteration zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- f. In summary, allow riparian areas (the creek and its no-build/alteration zone) to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture and Natural Environment*)

No-Build/Alteration Zones. Within this subdivision there is a no-build/alteration zone, as shown on the plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. However, activities directly associated with the maintenance of irrigation ditches, such as noxious weed control and clearing vegetation within the ditches, are allowed. The proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native vegetation (trees, shrubs) is also allowed. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The Ravalli County Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$900 per lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, OEM). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety))*
8. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
9. Prior to final plat approval, the subdivider shall submit an updated road maintenance agreement (RMA) for Brooks Hotel, Lots 2-3, AP which shall be an amendment to the RMA that was recorded August 22, 2003 (Document # 521648). The updated RMA shall include language stating how the costs of road maintenance are to be assessed (equally/proportionally). Alternatively, should the subdivider fail to receive enough signatures to amend the existing RMA the subdivider shall submit a RMA for Brooks Hotel Lot 6-A that meets the requirements in Section 3-1-5(b)(xxviii) of the Ravalli County Subdivision Regulations. *(Section 3-2-8(b)(v), Effects on Local Services)*
10. Prior to final plat approval, the subdivider shall construct a paved driveway, in accordance with the Ravalli County Fire Council adopted access standards, from the end of the existing cul-de-sac of Brooks Avenue to a designated building envelope on proposed Lot 6-A-4. Furthermore, the subdivider shall submit a letter from the Corvallis Rural Fire Department indicating that they

have approved the driveway. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

11. Prior to final plat approval, the subdivider shall apply a crack sealant and a BST treatment over the extent of Brooks Avenue and provide an approval letter from the Ravalli County Road and Bridge Department indicating that with the improvements Brooks Avenue meets County-standards for roadways. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
12. The subdivider shall provide evidence that mailboxes have been installed in accordance with the Corvallis Post Office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)
13. The 25 foot no-build/alteration zone along Willow Creek, as shown on the preliminary plat, shall be shown on the final plat. (Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Public Health & Safety)
14. The following statement shall be shown on the final plat: "The lowest enclosed floor of each structure (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is greater)." (Section 3-2-8(b)(v)(B), RCSR, Public Health & Safety)
15. Prior to final plat approval a five-foot wide, ADA compliant, paved (concrete or asphalt) trail shall be constructed within the 60-foot wide easement along one side of Brooks Avenue. The trail shall be shown on the final plat within the easement of Brooks Avenue beginning at the cul-de-sac and connecting to the proposed trail along Willow Creek Road that is being constructed as part of a CTEP project in conjunction with the condition of approval for the Centennial Lot 17, AP major subdivision. (Section 3-2-8(b)(v)(B), RCSR, Public Health & Safety)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - Project name
 - Title block
 - Certificate of registered owner – notarized
 - Certificate of registered land surveyor with seal
 - Certificate of governing body approval
 - Signature block for Clerk and Recorder, preferably in lower right hand corner
 - Certificate of public dedication
 - Certificate of park cash-in-lieu payment
 - Other certifications as appropriate

- North arrow
 - Graphic scale
 - Legal description
 - Property boundaries (bearings, lengths, curve data)
 - Pertinent section corners and subdivision corners
 - Names of adjoining subdivisions/certificates of survey
 - Monuments found
 - Witness monuments
 - Acreage of subject parcel
 - Curve data (radius, arc length, notation of non-tangent curves)
 - Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - Lots and blocks designated by number (dimensions/acreage)
 - Easements/rights of ways (location, width, purpose, ownership)
 - Dedication for public use
 - No-build/alteration zones
 - No-ingress/egress zones
 - Water resources (rivers, ponds, etc.)
 - Floodplains
 - Irrigation canals including diversion point(s), etc.
 - Existing and new roads (names, ownership, etc.)
 - Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
 - No-build/alteration and no-build zones shall be shown on the plat as shown on the preliminary plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. Consent to Plat form, including notarized signatures of all owners of interest, if the subdivider is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
 13. Utility availability certification(s) shall be submitted with the final plat submittal.
 14. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
 15. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
 16. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.

17. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
18. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
19. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
20. A copy of the letter sent to the School District stating the subdivider has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
21. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
22. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
 - Specific infrastructure improvements potentially required for this subdivision are the reconstruction of the internal subdivision road (with denial of the variance request), application of crack sealant and a BST treatment to Brooks Avenue, construction of the driveway on Lot 6-A-4, construction of a pedestrian pathway, and a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along Brooks Avenue, which is within a 60-foot wide private road and public utility easement. (Brooks Hotel Lot 6-A Subdivision Application)
2. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subdivision is accessed by Willow Creek Road and Brooks Avenue from Eastside Highway. (Brooks Hotel Lot 6-A Subdivision Application)
2. Willow Creek Road is a County-maintained road, which provides legal and physical access. (RCSR -- Exhibit A)
3. The subdivider is required to pay the pro rata share of the cost to improve the portions of County-maintained roads leading to the subdivision to meet County standards. In an email dated April 22, 2008 Road Supervisor David Ohnstad stated that improvements to the portion of Willow Creek Road from Eastside Highway to Brooks Avenue would be considered incidental and a pro-rata assessment would therefore not be required. (Exhibit A-1)
4. Brooks Avenue is a non-County-maintained, non-County standard road within a proposed 60-foot wide private road and public utility easement. (Brooks Hotel Lot 6-A Preliminary Plat)
5. The subdivider has requested a variance to allow the lot layout to include a flag lot. The subdivider submitted road plans which were reviewed and preliminarily approved by the Ravalli County Road and Bridge Department (Exhibit A-2). Should the variance request be denied, the subdivider is proposing to lengthen Brooks Avenue by approximately 150 feet. (Brooks Hotel Lot 6-A Subdivision Application)
6. *To ensure legal and physical access to the subdivision, the following conditions and requirements shall be met:*
 - *The subdivider is required to submit final approval from the Road Department that Brooks Avenue has been re-constructed to meet County standards prior to final plat approval. (Final Plat Requirement 14 and 22)*

Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided via Willow Creek Road and Brooks Avenue.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The subdivider is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 22):

- Specific infrastructure improvements potentially required for this subdivision are the re-construction of the internal subdivision road (with denial of the variance request), application of crack sealant and a BST treatment to Brooks Avenue, construction of the driveway on Lot 6-A-4, construction of a pedestrian pathway, and a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. There are water rights associated with the subject property delivered through the Corvallis Canal & Water Company. (Brooks Hotel Lot 6-A Subdivision File)
3. The subdivider is proposing to reserve and sever all surface water rights from the land. (Brooks Hotel Lot 6-A Subdivision File)
4. *The subdivider shall provide written signed and notarized documentation indicating that all surface water rights have been reserved and severed from the subject property. (Requirement 16)*

Conclusion of Law

With the requirements of final plat approval, this prerequisite has been met.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. An existing irrigation ditch easement extending 30 feet from the centerline of the Surprise Ditch traverses proposed Lots 6-A-4, 6-A-5, 6-A-6, and 6-A-7. (Brooks Hotel Lot 6-A Subdivision File)
3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
 - *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The application states that 0.34 acres are required to meet the parkland dedication requirement. (Brooks Hotel Lot 6-A Subdivision File)
2. The subdivider is not proposing to donate parkland. (Brooks Hotel Lot 6-A Preliminary Plat)
3. The subdivider is proposing to donate cash in lieu of parkland donation. (Brooks Hotel Lot 6-A Subdivision File)
4. Notification letters were sent to the Ravalli County Park Board requesting comments on March 29, 2008 and February 18, 2009, but no comments have been received to date. (Brooks Hotel Lot 6-A Subdivision File)
5. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
6. *If the Board of County Commissioners accepts the subdivider's preferred method of providing parkland, the donation or payment shall be made prior to final plat approval. (Final Plat Requirement 12)*

Conclusion of Law

The subdivider has proposed parkland dedication that meets the State Law requirement.

G. Overall Findings and Conclusions on Prerequisite Requirements

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. With the approval of the requested variance from Section 5-2-2(a)(7), the subdivision design as indicated on the preliminary plat would be compliant with the RCSR. (Brooks Hotel Lot 6-A Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Brooks Hotel Lot 6-A Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Nighthawk Meadows Subdivision File)

Conclusion of Law

There are no zoning regulations that apply to the property.

C. Existing covenants and/or deed restrictions.

Finding of Fact

The property has existing covenants that restrict land use to residential, require setbacks from property lines and road easements, and restrict livestock. (Brooks Hotel Lot 6-A Subdivision File)

Conclusion of Law

Based on the preliminary plat application, the proposal appears to comply with existing covenants.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge

Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. Prior to final plat approval, the subdividers are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on approximately 3.35 acres will result in 7 lots that range in size from 16,077 sq. ft. to 35,015 sq. ft. The property is located within the community of Corvallis. (Brooks Hotel Lot 6-A Subdivision File)
2. Parcels surrounding the subject property are classified for tax purposes as residential rural, commercial rural, vacant rural and agricultural rural. The subject property is classified as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. According to the Web Soil Survey for Ravalli County, approximately 100% of the soils located on the property were identified as Hamilton-Overwhich complex which is categorized as "Prime farmland if irrigated". (Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. A Ravalli County Subdivision Noxious Weed Evaluation Form was submitted that stated Canada Thistle, Common Tansy, and Spotted Knapweed were scattered on the property. (Brooks Hotel Lot 6-A Subdivision Application)
5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
 - *The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are water rights associated with the subject property delivered through the Corvallis Canal & Water Company. (Brooks Hotel Lot 6-A Subdivision File)

2. The subdivider is proposing to reserve and sever all surface water rights from the land. (Brooks Hotel Lot 6-A Subdivision File)
3. An existing irrigation ditch easement extending 30 feet from the centerline of the Surprise Ditch traverses proposed Lots 6-A-4, 6-A-5, 6-A-6, and 6-A-7. (Brooks Hotel Lot 6-A Subdivision File)
4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
5. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
 - *All existing and proposed irrigation and drainage easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *The subdivider shall provide written signed and notarized documentation indicating that all surface water rights have been reserved and severed from the subject property. (Final Plat Requirement 16)*
 - *A notification stating that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
 - *A notification stating residents within this subdivision do not currently have the right to take irrigation water out of Willow Creek or the Surprise Ditch. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (Condition 1)*

Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, impacts on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Corvallis Rural Fire District. (Brooks Hotel Lot 6-A Subdivision File)
2. In an email dated February 23, 2009, Corvallis Fire Chief James Knapp stated that he does not have opposition to the requested variance (Exhibit A-3). No further comments specific to the subdivision proposal were provided. (Brooks Hotel Lot 6-A Subdivision File)
3. In a letter dated May 29, 2008, the Corvallis Rural Fire District requested that the cash-in-lieu of water supply fee be increased from \$500 to \$900. In a subsequent letter dated June 18, 2008, the district submitted materials to support this request. (Exhibit A-4)
4. The Ravalli County Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-5)
5. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$900-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*

- *The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)*
- *Prior to final plat approval, the subdivider shall construct a paved driveway, in accordance with the Ravalli County Fire Council adopted access standards, from the end of the existing cul-de-sac of Brooks Avenue to a designated building envelope on proposed Lot 6-A-4. Furthermore, the subdivider shall submit a letter from the Corvallis Rural Fire Department indicating that they have approved the driveway. (Condition 10 and Variance)*

School District

6. The proposed subdivision is located within the Corvallis School District. (Brooks Hotel Lot 6-A Subdivision File)
7. It is estimated that seven school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
8. Notification letters were sent to the Corvallis School District requesting comments on March 29, 2008 and February 18, 2009. No comments have been received to date. (Brooks Hotel Lot 6-A Subdivision File)
9. The Corvallis School District has completed an impact fee study and has forwarded a letter, dated February 18, 2009, requesting the Board of County Commissioners adopt an impact fee in the amount of \$4,000 (Exhibit A- 6), however, Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
10. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil excluding capital costs would be \$2,007 for the Corvallis School District (Exhibit A-7)
11. As a part of the Preliminary Plat Decision for the Quast Dairy Lots Major Subdivision, subdivider Russ Hunt of R & G Inc. offered to donate a lot created through the Brooks Hotel Lot 6-A subdivision to the Corvallis School District.
12. At the time of original submittal, May 5, 2008, the subdivider proposed to contribute \$250 per lot to the School District. (Brooks Hotel Lot 6-A Subdivision File)
13. *The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 8)*

Public Safety

14. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Brooks Hotel Lot 6-A Subdivision File)
15. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on March 29, 2008 and February 18, 2009. No comments have been received to date. (Brooks Hotel Lot 6-A Subdivision File)
16. This proposed subdivision is located approximately 8 miles from the Sheriff dispatch in Hamilton. (Brooks Hotel Lot 6-A Subdivision File)
17. The average number of people per household in Ravalli County is 2.5. (Census 2000)
18. This proposal has the potential to add approximately 35 people to Ravalli County. (Census 2000)
19. The subdivider has not proposed a contribution to offset any impacts to public safety services resulting from the potential addition of 35 people. (Brooks Hotel Lot 6-A Subdivision File)
20. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety*

Services (Sheriff, E-911, OEM). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)

Roads

21. There are 7 proposed residential lots within this subdivision. Each lot is planned for a two-unit condominium for a total of 14 units. It is estimated at build-out that this subdivision could generate a total of 112 vehicular trips per day, assuming eight trips per day per unit. (Brooks Hotel Lot 6-A Subdivision File)
22. Willow Creek Road is a County-maintained road, which provides legal and physical access. (RCSR – Exhibit A)
23. Brooks Avenue is an existing 24' wide privately-maintained road serving the parcel. (Brooks Hotel Lot 6-A Subdivision File and Ravalli County GIS Data)
24. There is an existing 60' private road and public utility serving Lot 6-A of Brooks Hotel. (Brooks Hotel Lot 6-A Subdivision Application)
25. The subdivider is required to pay the pro rata share of the cost to improve the portions of County-maintained roads leading to the subdivision to meet County standards. In an email dated April 22, 2008 Road Supervisor David Ohnstad stated that improvements to the portion of Willow Creek Road from Eastside Highway to Brooks Avenue would be considered incidental and a pro-rata assessment would therefore not be required. Furthermore, Mr. Ohnstad stated that the RCRBD would accept Brooks Avenue as County-standard with crack sealing and the placement of a BST. (Exhibit A-2)
26. Because the subdivision does not have the potential to generate traffic greater than 25% of the current traffic volume on Willow Creek Road, the subdivider was not required to complete a Traffic Impact Analysis for the subdivision. (Brooks Hotel Lot 6-A Subdivision File)
27. The proposal does not require a new approach. (Brooks Hotel Lot 6-A Subdivision Application)
28. There is an existing RMA for Brooks Avenue (Document #521648) which Lot 6-A is party to. The existing RMA does not contain language stating how assessments are to be divided among the lots. (Brooks Hotel Lot 6-A Subdivision Application)
29. The subdivider submitted road plans for the extension of Brooks Avenue which have received preliminary approval from the Ravalli County Road and Bridge Department. (Exhibit A-1)
30. The subdivider is not proposing to reconstruct Brooks Avenue and has requested a variance to allow for a flag lot. (Variance Report)
31. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - *A Road Maintenance Agreement shall be signed, notarized, and submitted. (Final Plat Requirement 15)*
 - *If the variance request is denied, Final Road Plans and Grading and Storm Water Drainage Plans for the extension of Brooks Avenue shall be submitted with the final plat submittal.*
 - *Prior to final plat approval, the subdivider shall submit certification from a professional engineer and Road Department approval showing that crack sealing and a BST has been applied to Brooks Avenue, and that Brooks Avenue conforms to County-standards. (Requirement 22 and Condition 11)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
 - *Prior to final plat approval, the subdivider shall submit an updated road maintenance agreement (RMA) for Brooks Hotel, Lots 2-3, AP which shall be an amendment to the RMA that was recorded August 22, 2003 (Document # 521648). The updated RMA shall include language stating how the costs of road maintenance are to be assessed*

(equally/proportionally). Alternatively, should the subdivider fail to receive enough signatures to amend the existing RMA the subdivider shall submit a RMA for Brooks Hotel Lot 6-A that meets the requirements in Section 3-1-5(b)(xxxviii) of the Ravalli County Subdivision Regulations. (Condition 9)

- Prior to final plat approval, the subdivider shall construct a paved driveway, in accordance with the Ravalli County Fire Council adopted access standards, from the end of the existing cul-de-sac of Brooks Avenue to a designated building envelope on proposed Lot 6-A-4. Furthermore, the subdivider shall submit a letter from the Corvallis Rural Fire Department indicating that they have approved the driveway. (Condition 10 and Variance)*

Ambulance Services

32. Ambulance services will be provided by the Marcus Daly Memorial Hospital EMS Department. Marcus Daly was contacted, but no comments have been received to date. (Brooks Hotel Lot 6-A Subdivision File)
33. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

Water and Wastewater Districts

34. Individual wells and connection to the Corvallis County Sewer District are proposed to serve the lots. (Brooks Hotel Lot 6-A Subdivision File)

Solid Waste Services

35. Bitterroot Disposal provides service to this site. (Brooks Hotel Lot 6-A Subdivision File)
36. Notification letters were sent to Bitterroot Disposal requesting comments on March 29, 2008 and February 18, 2009, but no comments have been received to date. (Brooks Hotel Lot 6-A Subdivision File)

Mail Delivery Services

37. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-8).
38. *The subdivider shall provide evidence that mailboxes have been installed in accordance with the Corvallis Post Office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. (Condition 12)*

Utilities

39. The proposed subdivision will be served by Ravalli Electric Cooperation and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Brooks Hotel Lot 6-A Subdivision File)
40. Notification letters were sent to the utility companies requesting comments on March 29, 2008 and February 18, 2009. No comments have been received to date. (Brooks Hotel Lot 6-A Subdivision File)
41. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - The subdivider shall submit utility availability certifications from Ravalli Electric Cooperation and Qwest Communications prior to final plat approval. (Final Plat Requirement 13)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. In an email dated April 1, 2008, the Montana Department of Environmental Quality (DEQ) identified Ravalli County as a community that experiences poor air quality during certain periods of the year. (Exhibit A-9)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the notifications document shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 1)*

Ground/Surface Water

4. The subdivider is proposing individual wells and connection to the Corvallis County Sewer District for all lots (Exhibit A-10). The subdivider submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Brooks Hotel Lot 6-A Subdivision File)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
6. *To mitigate impacts on the natural environment, the subdivider is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
7. Willow Creek borders the western portion of the property. (Ravalli County GIS, Brooks Hotel Lot 6-A Preliminary Plat)
8. A Floodplain Analysis was conducted on Willow Creek and was approved by the Ravalli County Floodplain Administrator on January 14, 2009 (Exhibit A-12) with the following recommended mitigating conditions to limit the effects of the proposal on the natural environment and public health and safety:
 - *The existing 25 foot no-build/alteration zone shall extend horizontally from both sides of the modeled 100-year floodplain for Willow Creek. The no-build/alteration zone should also be inclusive of the modeled floodplain and the creek. (Condition 13 and Requirement 2)*
 - *The existing 30 foot easement extending from the centerline of the Surprise Ditch should be delineated as a no-build/alteration zone.*
 - *The lowest enclosed floor (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is greater). This shall be included within the Notifications Document and as language on the face of the final plat. (Conditions 1 and 13)*

Light Pollution

9. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
10. *To mitigate the impacts of light pollution stemming from new construction, the Notifications Document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*

Vegetation

11. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada Thistle, Common Tansy and Spotted Knapweed were scattered on the property. (Brooks Hotel Lot 6-A Subdivision Application)
12. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
13. *To mitigate impacts on the natural environment, the following condition and requirement shall be met:*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
 - *A noxious weed control plan shall be submitted with the final plat. (Final Plat Requirement 11)*

Archaeological Resources

14. There are no known sites of historical significance on the property. (Brooks Hotel Lot 6-A Subdivision Application)
15. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the subdivider will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

With the mitigating conditions and requirements of final plat approval, impacts on the natural environment will be reduced.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter dated June 27, 2008, FWP recommended living with wildlife and riparian area covenants. In addition FWP recommended that a 100' no-build/alteration zone be placed extending horizontally from Willow Creek. (Exhibit A-13)
2. According to the Montana Natural Heritage Program (MNHP) in June of 2007, the Bull Trout, Townsend's Big-eared Bat, Fringed Myotis, and Gray Wolf were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Brooks Hotel Lot 6-A Subdivision Application).
3. A Sensitive Species Waiver was completed and granted on all identified species excepting the Bull Trout. (Exhibit A-14)
4. A Sensitive Species Report was completed for the Bull Trout, and indicates that the subject parcel does not provide suitable habitat necessary to support said species. (Exhibit A-15)
5. *To mitigate impacts on wildlife, the covenants shall include sections pertaining to living with wildlife and riparian areas. (Condition 2)*

Conclusion of Law:

With the mitigating condition of approval, impacts on wildlife & wildlife habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Brooks Avenue, an existing private roadway. (Brooks Hotel Lot 6-A Subdivision Application)
2. Connectivity to existing and proposed pathways and trails provides for enhanced pedestrian safety. (Staff Determination)
3. As a condition of approval for the Centennial Lot 17, AP major subdivision, the developer was required to construct a paved pathway along Willow Creek Road, from the subdivision access to the intersection with Eastside Highway. In-lieu of constructing the pathway, the developer donated \$35,000 as a match to the Willow Creek Path – Corvallis CTEP Project. (Centennial Lot 17 Preliminary Plat Decision)
4. A 1,800 linear foot paved pathway is being constructed along each side of Willow Creek Road, east of the Eastside Highway to both Tefft Street (east of Brooks Avenue) and Southeast Street as part of the Willow Creek Path – Corvallis CTEP Project. (Project Manual for Federal-Aid Project # STPE 41(48))
5. *Prior to final plat approval a five-foot wide, ADA compliant, paved (concrete or asphalt) trail shall be constructed within the 60-foot wide easement along one side of Brooks Avenue. The trail shall be shown on the final plat within the easement of Brooks Avenue beginning at the cul-de-sac and connecting to the proposed trail along Willow Creek Road that is being constructed as part of a CTEP project in conjunction with the condition of approval for the Centennial Lot 17, AP major subdivision. (Condition 15)*
6. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

7. The proposed subdivision will be served by the Corvallis Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Brooks Hotel Lot 6-A Subdivision Application)
8. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

9. The subdivider is proposing individual wells and connection to the Corvallis County Sewer District. The subdividers submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Brooks Hotel Lot 6-A Subdivision File)
10. The Corvallis Sewer District has approved Lot 6-A for a maximum of 14 living units. (Exhibit A-10)
11. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
12. *The subdivider is required to submit a final DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

13. Willow Creek borders the western portion of the property. (Ravalli County GIS, Brooks Hotel Lot 6-A Preliminary Plat)
14. A Floodplain Analysis was conducted on Willow Creek and was approved by the Ravalli County Floodplain Administrator on January 14, 2009 (Exhibit A-12) with the following

recommended mitigating conditions to limit the effects of the proposal on the natural environment and public health and safety:

- *The existing 25 foot no-build/alteration zone shall extend horizontally from both sides of the modeled 100-year floodplain for Willow Creek. The no-build/alteration zone should also be inclusive of the modeled floodplain and the creek. (Condition 13 and Requirement 2)*
 - *The existing 30 foot easement extending from the centerline of the Surprise Ditch should be delineated as a no-build/alteration zone.*
 - *The lowest enclosed floor (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is greater). This shall be included within the covenants and as language on the face of the final plat. (Conditions 1 and 14)*
 - *"Although not within the FEMA-mapped floodplain, the Floodplain Administrator recommends that property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages." This language shall be included within the Notifications Document. (Condition 1)*
15. A portion of the property lies within the Painted Rocks Dam inundation area. (Ravalli County GIS Department data and Brooks Hotel Lot 6-A Preliminary Plat Application)
16. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
17. According to the Web Soil Survey for Ravalli County, there are no soils rated as "very limited" for building and road construction. (Brooks Hotel Lot 6-A Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
18. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
- *A notification of the no-build/alteration zone shall be included in both the covenants and Notifications Document. (Conditions 1 and 2)*
 - *The Notifications Document shall include a statement regarding the proximity of the Painted Rocks Dam inundation area. (Condition 1)*
 - *To mitigate the impacts of light pollution stemming from new construction, the Notifications Document shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The Notifications Document shall include a statement regarding radon exposure. (Condition 2)*

Conclusion of Law:

With the mitigating conditions and requirements of final plat approval impacts on public health & safety will be reduced.

VARIANCE REPORT

VARIANCE REQUEST

The subdivider has requested a variance from Section 5-2-2(a)(7) of the Ravalli County Subdivision Regulations to allow for a flag lot as part of the lot configuration. The subdivision regulations state that lots shall not be design to avoid road construction. Staff determined that the design of proposed Lot 6-A-4 was for the purpose of avoiding road construction.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. The variance application states that there are no detrimental effects anticipated to public health, safety or general welfare should the variance be granted.
2. The existing road surface of Brooks Avenue culminates in a cul-de-sac approximately 150' from the bulk of proposed Lot 6-A-4. (Staff Determination, Brooks Hotel Lot 6-A Preliminary Plat)
3. The stem of the proposed flag lot is approximately 24' in width. (Brooks Hotel Lot 6-A Preliminary Plat)
4. The Ravalli County Fire Council (RCFC), which includes the Corvallis Rural Fire Department, has adopted Fire Protection Standards requiring that any driveway exceeding 150' in length be required to have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. (Exhibit A-5)
5. The subdivider has proposed to construct a 20' wide paved driveway with adequate base and sub base materials from the end of the cul-de-sac along the entire stem portion of the flag lot (approximately 150'). (Variance Application)
6. In an email dated February 23, 2009, Corvallis Fire Chief James Knapp stated that he has no objections to the proposed variance request. (Exhibit A-3)
7. To date, Ravalli County Road and Bridge Supervisor David Ohnstad has not provided comments specific to the proposal.
8. *Prior to final plat approval, the subdivider shall construct a paved driveway, in accordance with the Ravalli County Fire Council adopted access standards, from the end of the existing cul-de-sac of Brooks Avenue to a designated building envelope on proposed Lot 6-A-4. Furthermore, the subdivider shall submit a letter from the Corvallis Rural Fire Department indicating that they have approved the driveway. (Condition 10)*

Conclusion of Law:

The granting of this variance will not be substantially detrimental to the public health, safety, and general welfare.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact:

1. The application states that the conditions are unique to this property because of the triangular shape of the parcel.
2. There is nothing preventing the subdivider from extending the roadway, thus eliminating the flag lot. (Staff Determination)

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The application states that the conditions are unique to this property because of the triangular shape of the parcel.
2. There is nothing preventing the subdivider from extending the roadway, thus eliminating the flag lot. (Staff Determination)

Conclusion of Law:

Physical conditions do not prevent the subdivider from meeting the strict letter of the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

3. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
4. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Clerk & Recorder's Office)
5. Ravalli County voters voted to repeal the County's Growth Policy in the 2008 General Election. Consequently, Ravalli County does not have a Growth Policy. (2008 Ravalli County General Election (R-1-08))

Conclusion of Law:

Neither zoning regulations nor the Growth Policy apply to the variance request.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The application states that the variance will not cause any increase in public costs. (Brooks Hotel Lot 6-A Application)
2. The costs associated with improving the road are private costs to be borne by the subdivider. (RCSR 5-1-6)

Conclusion of Law:

Granting the variance should not cause a substantial increase in public costs.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is proposed are not unique to the property.
2. The conclusion for Criterion C is that physical conditions do not prevent the subdivider from meeting the strict letter of the regulations.

Conclusion of Law:

Strict compliance with these regulations will not result in undue hardship.

B. Compliance is not essential to the public welfare.

Findings of Fact:

1. The conclusion for Criterion A is that by granting this variance, there would not be significant negative impacts on public health, safety, and general welfare.
2. The conclusions for Criterion D are that zoning regulations do not apply to the variance request, and that consistency with an adopted growth policy is not applicable.
3. The conclusion for Criterion E is that the granting of the variance should not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

C. Overall Conclusion on Hardship and Public Welfare

The variance application provides evidence that there is not an undue hardship and that compliance with the RCSR is not essential to the public welfare.

RECEIVED

MAY 22 2008
160805-629
Ravalli County Planning Dept.

David Ohnstad

From: David Ohnstad
Sent: Tuesday, May 20, 2008 9:51 AM
To: John Lavey
Cc: 'John C Horat'
Subject: FW: Brooks Hotel
Attachments: Prelim Review Completion 051208.pdf

John –

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately and completely addressed through final design.

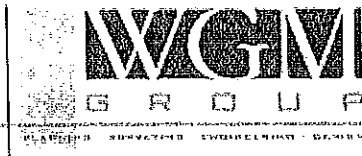
David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: Cindy Kuns [mailto:CKuns@wgmggroup.com]
Sent: Monday, May 12, 2008 11:11 AM
To: David Ohnstad
Subject: Brooks Hotel

Our office has completed the preliminary review for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments will be mailed.

Cindy Kuns
Project Assistant



P.O. Box 16027 • 3021 Palmer Street
Missoula • Montana • 59808
E-mail: CKuns@wgmggroup.com
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmggroup.com>

5/20/2008

EXHIBIT A-1

DATE: May 12, 2008

TO: David Ohnstad, Ravalli County Road & Bridge Department

FROM: Jonathan L. Gass, P.E.

RE: Brooks Hotel Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the design engineer and the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

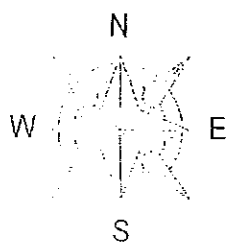
We have included a copy of the following with this letter:

- 1) WGM email, dated 3/21/08
- 2) Design engineer information submittal, sent 3/25/08
- 3) WGM memo, dated 4/18/08
- 4) Design engineer email, dated 4/22/08
- 5) WGM email, dated 5/6/08
- 6) Design engineer email, dated 5/6/08

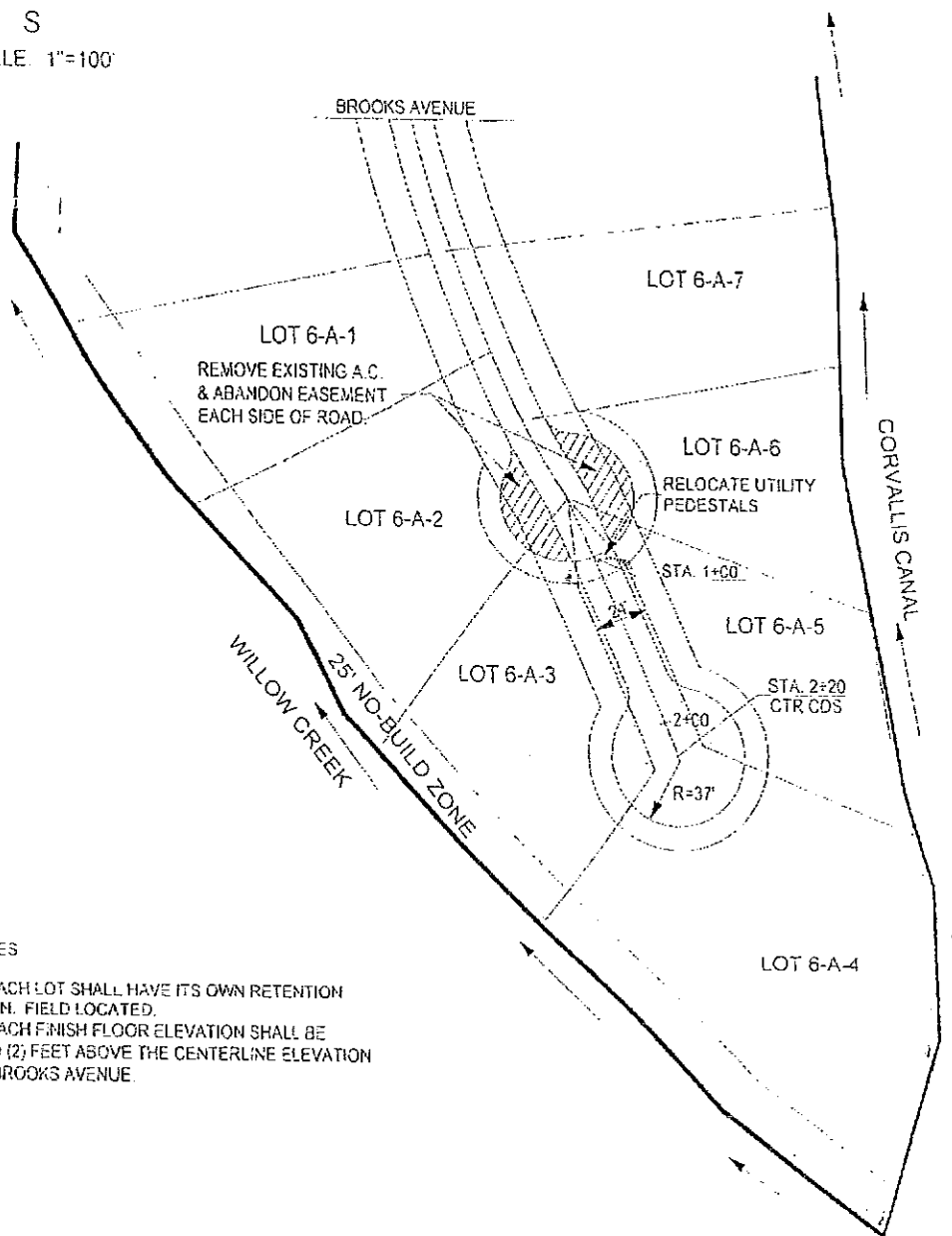
This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



SCALE 1"=100'



NOTES

1. EACH LOT SHALL HAVE ITS OWN RETENTION BASIN. FIELD LOCATED.
2. EACH FINISH FLOOR ELEVATION SHALL BE TWO (2) FEET ABOVE THE CENTERLINE ELEVATION OF BROOKS AVENUE.

ROAD EXTENSION PLAN
(IF VARIANCE FOR FLAG LOT 6-A-4 IS DENIED)

RAVALL COUNTY
S4 T6N R20W
2/15/08

Tristan Riddell

From: David Ohnstad
Sent: Tuesday, April 22, 2008 3:53 PM
To: 'John C Horat'
Cc: Tristan Riddell
Subject: RE: Brooks Hotel, Lot 6-A, AP

Improvements to Willow Creek Road west of the canal bridge to SR269 would be considered incidental and would not require an assessment for this project.

We will accept Brooks Avenue as a "standard" roadway with crack sealing and the placement of a BST.

From: John C Horat [mailto:john@bengineer.myrf.net]
Sent: Monday, April 21, 2008 4:57 PM
To: David Ohnstad
Cc: Tristan Riddell
Subject: Brooks Hotel, Lot 6-A, AP

Hi David,

The Planning Department has asked about two issues on the above project.

- Pro-rata road contributions. Are they required for this section that intersects just west of the canal?
- Based on our discussions, it was my understanding that the existing Brooks Avenue could be considered county standards if crack sealing was conducted down the center of the road in addition to conducting a chip seal layer over the pavement.

Thanks in advance for your reponse to these issues.

John C. Horat, PE
1180 Eastside Highway
Corvallis, MT 59828
406 961-5634
fax 1-866-856-3688

EXHIBIT A-2

4/22/2008

Tristan Riddell

From: James Knapp [jknapp@corvallisfire.com]
Sent: Monday, February 23, 2009 7:46 PM
To: Tristan Riddell
Cc: cvfd@cybernet1.com
Subject: brooks hotel lot 6-a

I have no objections to the proposed variance request in the Brooks Hotel Lot 6-A major subdivision and variance request.

If you need further please call me.

Fire Chief

Jim Knapp

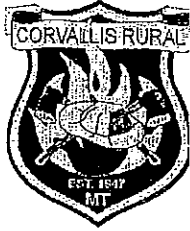
Cell# 360-4371

EXHIBIT A-3

2/24/2009

RECEIVED

JUN 02 2008
10806-715
Ravalli County Planning Dept.



CORVALLIS RURAL FIRE DISTRICT
PO BOX 13
CORVALLIS, MT 59828
(406) 961-4432

May 29, 2008

Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

Re: Corvallis Rural Fire District/Subdivision Fees

To Whom It May Concern:

Enclosed please find a copy of our Resolution No. 08-04. After review of our actual expenses for hydrants, water tenders, and water supplies since inception of the subdivision fees, we have determined that we have spent over \$900.00 a lot for water supply. The Corvallis Rural Fire District has adopted Resolution 08-04 effective immediately and asks that you please change your documentation requesting \$500.00 a lot to \$900.00 a lot in lieu of a water source.

Thank you,

A handwritten signature in black ink, appearing to read "James Knapp".

Chief James Knapp
Corvallis Rural Fire District
(406) 360-4371

EXHIBIT A -4



CORVALLIS RURAL FIRE DISTRICT
PO BOX 13
CORVALLIS, MT 59828

RESOLUTION # 08-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CORVALLIS RURAL FIRE DISTRICT RELATING TO INCREASING SUBDIVISION FEES FOR WATER SUPPLIES:

WHEREAS, the district has imposed a fee for subdivisions without water systems so the district is able to purchase water carrying firefighting apparatus or develop water supplies; and,

WHEREAS, when establishing the requirements, emphasis was given to the Uniform Fire code, Articles 9 and 10, and Appendix III-S, the Ravalli County Subdivision Regulations, the Ravalli County Road Department standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development; and,

WHEREAS, in order for the Corvallis Rural Fire District to be properly equipped to protect life and property of the residents of the district, as well as the personnel who are called upon to protect the district, and to mitigate harm to the public health and environment; and


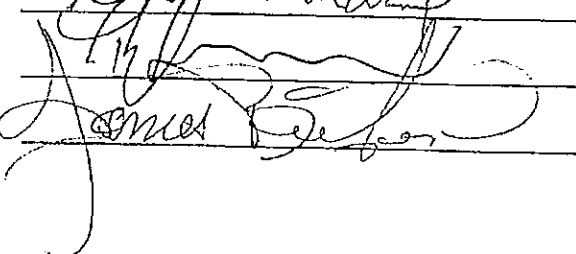
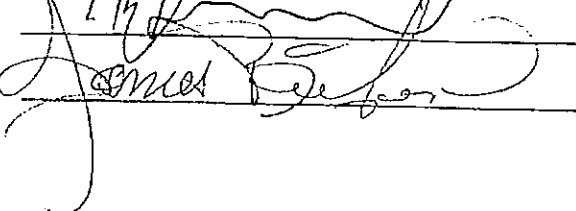
WHEREAS, the district has tracked expenditures for water carrying firefighting apparatus and developing water supply and feels the current subdivision fee is not adequate.

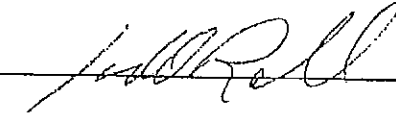

THEREFOR BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT:

The Corvallis Rural Fire District has raised the required subdivision fee to \$900.00 per lot effective immediately.

PASSED AND APPROVED THIS 21st DAY OF May, 2008.

BOARD MEMBER SIGNATURES



CORVALLIS RURAL FIRE DISTRICT
PO BOX 13
CORVALLIS, MT 59828
(406) 961-4432

June 18, 2008

Planning Department/Ravalli County Commissioners
215 South 4th Street; Suite F
Hamilton, MT 59840

Via E-mail

Re: Corvallis Rural Fire District/Subdivision Fees

Carlotta Grandstaff,

Enclosed please find a copy of the spreadsheet we used to analyze our water expenses since the inception of subdivision fees. As you know, these fees are in lieu of water. Our analysis shows actual expenses and revenues which would back-up the increase in our fee.

The Corvallis Rural Fire District future plans entail creating 5 new fill sites and purchasing 2 more water tenders. Each site will cost \$35,000.00 - \$40,000.00, and each water tender will be in the \$150,000.00 range. If we accomplish these goals in the next 10 years, it would take over 500 lots at \$900 a lot to help pay for this.

The Corvallis Rural Fire District is committed to being consistent with the standards for development county wide, but financial impact will vary from one district to another and each district needs to determine what their per lot fee needs to be. One thing unique to Corvallis is that the Corvallis Rural Fire District owns and maintains our own hydrant system for the town. This increase in fee will be for our district only.

If this fee is more money than developers are willing to pay, we are always willing to accept the developer installing a water system that meets the water supply requirements per NFPA 1, Chapter 18.

Hopefully this takes care of any questions you may have.

Thank you,

Chief James Knapp
Corvallis Rural Fire District
(406) 360-4371

CORVALLIS RURAL FIRE DISTRICT
SUBDIVISION FEES ANALYSIS

SUBDIVISION REVENUES 2004 - 5/7/08		\$ 80,000.00	# LOTS 160
EXPENSES TOWARDS WATER:	AMOUNT	DATE	DESCRIPTON
GASVODA CONSTRUCTION	\$ 4,593.24	2004	HYDRANT EXPANSION
HYDRANT REPAIR	\$ 4,195.00	2006	HYDRANT REPAIR
PAYMENTS ON 5020 2004 - PAYOFF	\$ 101,967.39		KENWORTH 2003 (WATER TENDER)
FILL SITE - STATION 2	\$ 34,866.34	2006-2007	FILL SITE STATION 2
TOTAL EXPENDITURES	\$ 145,621.97		
PER LOT EXPENSE	\$ 910.14		
FUTURE WATER EXPENSES:			
FILL SITES	\$ 200,000.00	(5 @ \$40,000.00)	
APPARATUS (WATER TENDERS)	\$ 300,000.00	(2 @ \$150,000)	
TOTAL FUTURE EXPENSES	\$ 500,000.00		
# OF LOTS AT \$900.00/LOT		556	

USE for all
districts.

RECEIVED

SEP 13 2005

Hamilton
Rural Fire
DISTRICT

Consensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXHIBIT A-5

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

February 18, 2009

Ravalli County Commissioners
215 S 4th Street Suite A
Hamilton MT 59840

February 18, 2009

Dear Commissioners:

On February 17, 2009, the Corvallis School Board passed a motion requesting that Ravalli County institute a \$4,000 school impact fee for the Corvallis School District, with the full amount to initially be phased in over 5 years. Enclosed is the Impact Fee Study prepared by TischlerBise, which documents and quantifies the impact of new residential construction on the capital needs of the Corvallis School District. If you have any questions, don't hesitate to contact me at 961-4211.

Sincerely

Daniel B. Sybrant
Superintendent
Corvallis School District

Cc Corvallis School Board
Ravalli County Impact Fee Advisory Committee – Attention John Meakin

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

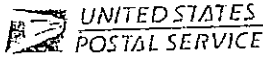
School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 11 2007



Ravalli County Planning Dept.

10-07-06-729

June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-8

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

Tristan Riddell

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review
Attachments: PM25_NAAQS_MT_Review_Mar_2008.doc

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2007 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

EXHIBIT A -9

2/25/2009

CORVALLIS COUNTY SEWER DISTRICT
P.O. BOX 134
CORVALLIS, MONTANA 59828

Board President: Mr. Charles McRae 961-5117
District Manager: Mr. Steve Mosbrucker 370-4832

District Engineer: Mr. Roger De Haan 961-3953
District Clerk: Ms. Lyndi Henson 961-4136

LETTER OF ACCEPTANCE for SEWER CONNECTION
AMENDMENT OF PREVIOUS APPROVAL

Date: November 23, 2005

To: Mr. Russ Hunt
448 Quast Lane
Corvallis, Montana 59828
Phone: 961-8479

Copy to: Mr. John Horat, P.E.
Bitterroot Engineering
1180 Eastside Highway
Corvallis, Montana 59828

Re: Amendment of approval of Lot 6-A in Brooks Hotel Subdivision, Amended Plat
Lots 3,4,5,6, and 7

At their regular meeting of Tuesday November 15, 2005 the Board of the Corvallis Sewer District reviewed and approved your proposal for allowing additional connections to the District facilities for Lot 6-A in the above named project. The Board has determined that there is currently capacity available in the system for the project and that it meets the District requirements for connection. Therefore, the Board has approved the proposal provided that the following conditions are met:

PROJECT DESCRIPTION

1. The project will consist of 8 (eight) additional living units on lot 6-A, to result in a maximum of 14 living units on the lot.
2. The previous amendment from our letter of February 1, 2005 converted the existing 8 lot all commercial development to a 13 lot development with 3 commercial lots and 10 residential lots. The amended plat approved May 18, 2005 converted the 10 residential lots back to 7 (seven) lots. Lots 1, 2 and 8 were previously sold to different owners for commercial use. Lots 3A, 4A, 5A and 7A remain at 0.5 acres each, and lot 6-A is 3.35 acres.
3. This current amendment will convert lot 6-A to residential condominium use with a maximum of 14 units on the lot.
4. The condominium units will have an average size of roughly 1,500 square feet each, with two or three bedroom, single-family residential arrangement.
5. The existing lot 6-A has two 20 ft. wide sewer easements crossing it, one to the west and one to the south, and 25 ft. "no-build" zones along both Willow Creek and Corvallis Canal.

GENERAL CONDITIONS

1. The exact layout of the proposed buildings, water system, and sewer services must be approved by the District Engineer prior to construction. Each separate building, which may

- contain multiple condominium units, must have its own sewer service line designed with appropriate size, grade, layout, and cleaning ports.
2. Property owner must submit a legal description of the property and proof of ownership, such as a notarized statement by the County Clerk and Recorder, or other legal document.
 3. Prior to construction, the property owner must submit to the District a scale drawing of the final lot layout of the project. This layout must show the size and location of all buildings, all access routes, and existing sewer lines and manholes with depth indicated. It must show proposed sewer services with size and grade indicated, proposed or existing wells and water lines with well capacity and line diameters indicated, any irrigation ditches near the property, and any other pertinent features of the lot or project. All proposed sewer cleanouts must be shown.
 4. The owner must submit to the District a letter from the County Sanitarian that the proposed water system, lot size, and lot layout meets all County and State regulations. This project amendment does require review and approval by both Montana DEQ and Ravalli County Planning Department.
 5. Proposed structures and service lines may not straddle or cross any lot lines.
 6. The owner must submit to the District a copy of property covenants or notarized letter of agreement showing that all water and sewer lines on the property will be in no-build easements at least 15 ft. wide.
 7. By hooking into the Corvallis Sewer District, the owner and all subsequent residents agree to abide by all District rules prohibiting discharge of harmful materials to the sewer. These harmful materials include, but are not limited to, stormwater, roof runoff, sub-surface drainage, unpolluted industrial process water, or any sewage that contains toxic materials, or viscous, fatty or solid materials that would be harmful to the system.

INSTALLATION OF IMPROVEMENTS

1. All proposed water and sewer services must be installed in accordance with County and State regulations and the Uniform Plumbing Code. All plumbing inside a building must conform to the Uniform Plumbing Code. Any building that will have drains lower than street elevation, such as in a basement, must have a backwater valve.
2. Any sewer improvements that are intended to be given to the District for operation and ownership must have detailed design plans prepared by a Professional Engineer and approved in writing by the District or their designated representative prior to construction.
3. Under normal conditions, the property owner is responsible for installing and maintaining the sewer service from the building to the point where it enters the sewer main.
4. All sewer services shall be SDR 35 PVC pipe with rubber ring joints, except Schedule 40 PVC will be used to 10 feet outside the building. The District will provide the connection saddle, to be billed at cost to the owner. All pipes must be bedded in approved bedding material. All trenches must be compacted in accordance with Montana Public Works Standard Specifications. Adequate cleanouts must be provided.
5. Installation of sewer services and connections to the sewer main must be done by a licensed and bonded Contractor and supervised by the Corvallis Sewer District General Manager. All services and connections must be air tight and guaranteed by the Contractor for 2 years. Should problems arise, the District may require an extension of the guarantee period.
6. The Contractor or Owner must file a permit application with the District at least 5 working days prior to installing a service or connection, and must notify the District Manager at least 48 hours prior to the connection of the service to the main.

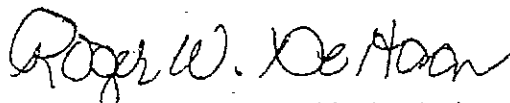
7. Prior to any excavation in a County owned street or alley (i.e. most streets in Corvallis) the Owner must obtain a permit from the Ravalli County Road Department.
8. Any disturbance of streets, sidewalks, parkways or other public property during sewer installation shall be restored to better than original conditions in accordance with Montana Public Works Standard Specifications.

PAYMENT OF FEES

1. The owner of this project amendment must pay a one-time connection fee to the Corvallis Sewer District in the amount of \$8,000 (eight thousand dollars). This fee is due and payable within 30 days after approval of the subdivision by State and County agencies.
2. The connection fee is calculated as the sum of 8 (eight) additional living units within the Sewer District at \$1,000 per living unit.
3. In addition to the one time connection fee, the condominium association must pay the regular monthly user charge for all of the condominium units. Upon completion of the sewer connection of each living unit or on the date two years from the date of final plat approval, whichever comes first, each living unit must begin paying regular monthly fees.
4. If living units are not constructed within two years of that date, and the owner does not begin payment of regular monthly fees, the owner will forfeit this approval to connect to the sewer system. If at that time the owner does not respond to a warning letter to be sent by the District, he will lose all rights and previously paid fees determined under this approval. After that time, any re-application for connection will be considered the same as any other new application received by the District.

APPROVAL AND ACCEPTANCE OF THE ABOVE DESCRIBED PROJECT, WITH THE DESCRIBED FEES, CONDITIONS AND OBLIGATIONS LISTED ABOVE IS HEREBY GRANTED:

CORVALLIS COUNTY SEWER DISTRICT



By: Roger W. De Haan, District Engineer

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: BROOKS HOTEL, LOT 6A, PB

Subdivider/Landowner Name(s): RUG DEVELOPMENT

Consultant Name: BR ENGINEERING

Date Received: 8-14-07

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
-----	----	-----	------	---------------------------------------

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
			(a) Vicinity Map or Plan	
			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
			(A) flood plains	
			(B) surface water features	
			(C) springs	
			(D) irrigation ditches	
			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

Yes	No	N/A	Item	Additional Information/Staff comments
			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii).	
			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
			(i) obtained from well logs or testing of onsite or nearby wells;	
			(ii) obtained from information contained in published hydrogeological reports; OR	
			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

Michael H.



Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravallcounty.mt.gov

OG-09-01-22

January 14, 2009

John Horat
Bitterroot Engineering & Design
1180 Eastside Hwy
Corvallis, MT 59828

RE: Floodplain Analysis - Brooks Hotel Subdivision, Willow Creek
25' Setback from Willow Creek Amendment to Conditional Approval dated 1/2/2009
958 Brooks Lane, Corvallis, Sec. 4, T6N, R20W
Parcel #61980, Geocode #1468-04-2-01-45-0000

Dear Mr. Horat,

We have completed our review of the floodplain analysis according to Section 3-1-5 (a)(xl) of the Ravalli County Subdivision Regulations for the above proposed subdivision. Following multiple discussions with Larry Schock, Regional Engineer for the Montana Department of Natural Resources and Conservation (DNRC), we concur with his review of the methodology used to calculate the 100-year flood and his suggestion that the method provides a "reasonable" representation of the 100-year floodplain for this reach of Willow Creek. To mitigate the impacts to public health and safety, agricultural water user facilities and to minimize the effects of development on the natural environment, we recommend the following conditions:

1. In an effort to protect property owners and mitigate future flood losses, a 25 foot setback (no build/alteration zone) should be established extending horizontally from both sides of the modeled/calculated 100-year floodplain for Willow Creek. The no build/alteration zone should also be inclusive of the modeled/calculated floodplain and the creek. (A 50 foot setback was originally recommended on January 2, 2009 by the Ravalli County Floodplain Administrator in effort to maintain consistency with the previous Brooks Hotel Subdivision final plat setback distance recorded on August 22, 2003. In light of new information provided by Russell Hunt, the recommendation has been amended to be consistent with the Board of County Commissioner's action on November 6, 2003 which modified the setback distance to 25 feet.)
2. The 30 foot easement from the centerline of the Surprise Ditch as identified by Bitterroot Engineering & Design should also be delineated as a no build/alteration zone to address the uncertainties associated with flooding from the ditch. This no build/alteration zone should exempt any ditch maintenance and/or repair activities.
3. The lowest enclosed floor (including crawlspaces and basements) and mechanical utilities of all proposed structures should be located a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent

EXHIBIT A-12

grade (whichever is higher). A benchmark should be established within the proposed subdivision so that landowners and contractors can confirm that the two (2) foot elevation requirement has been met. (Please note that this two (2) foot elevation requirement varies from the Board of County Commissioner's November 6, 2003 elevation recommendation of one (1) foot. The Floodplain Administrator maintains the two (2) foot elevation recommendation as the statewide minimum standard to elevate residential structures is two (2) feet and neighboring citizens have complained of crawlspace flooding due to high groundwater in the area.)

4. Any culverts, roads and/or bridges constructed across drainages within or adjacent to the proposed subdivision should be adequately sized and maintained to convey floodwaters, avoid the obstruction of debris and ensure safe and dry access for property owners or emergency services.
5. Although the proposed subdivision is not currently located within a FEMA-mapped floodplain, it is strongly recommended that the property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages.

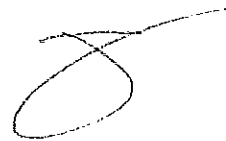
Consequently, the floodplain analysis for the proposed subdivision is conditionally approved and all recommendations should be appropriately considered.

If you have any questions, please feel free to contact our office.

Sincerely,



Laura Hendrix, CFM
Ravalli County Floodplain Administrator



John Lavey
Ravalli County Planning Director

Enclosure

Cc: Correspondence File - General
Tristan Riddell, Ravalli County Planner
Floodplain Analysis File
Russell Hunt



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
June 27, 2008

Tristan Riddell
Ravalli County Planning Department
215 S. 4 St., Ste. F
Hamilton, MT 59840

Reference: Brooks Hotel, Lot 6-A (pt. Lot 2; R&G, Inc.)--Proposed major (7 lots on 3.35 acres) subdivision, Corvallis

Dear Mr. Riddell:

We have reviewed the topographic map and the portion of the preliminary plat for this subdivision, and our comments follow.

Wildlife

Although the proposed subdivision is located just outside Corvallis, there are nearby agricultural fields, and Willow Creek and its associated riparian areas form the western boundary. We believe there is a general likelihood of human/wildlife interactions at this location. In particular, wildlife such as white-tailed deer, fox, skunk, and magpie could be found in the area, as well as an occasional black bear or possible mountain lion. Numerous small mammal and bird species would also be found nearby. We believe that "living with wildlife" issues should be conveyed as part of the covenants to future residents in this subdivision, in order to help them deal with and avoid potential wildlife issues. We have enclosed our recommended version of such covenants.

Willow Creek

From what we know at this point (without research into the issue), we believe Willow Creek used to flow further north through Corvallis, but due to flooding was moved to where it is now. We are not aware of any other channel that connects upper Willow Creek to the Bitterroot River. Therefore, we believe this section of Willow Creek adjacent to this subdivision should be protected.

1. The centerline of Willow Creek appears to be the western boundary of this subdivision. Although not specifically labeled as such, the plat appears to depict a 25-foot "no build" zone outward (eastward) from the center of Willow Creek. In order to better protect Willow Creek, we recommend that this subdivision have a 100-foot no-build zone from the high-water mark on the east side of Willow Creek. Within the first 50-feet from the creek (high-water mark) we recommend a buffer zone with more restrictions, allowing only weed control, footpaths (i.e., non-motorized activities) and no riparian vegetation disturbance.
2. We recommend requiring riparian covenants for this subdivision to control use of the area next to Willow Creek, in order to preserve water quality and functionality of a natural stream, and for protection of properties from eroding banks and possible flooding.
3. Does this land currently have water rights to Willow Creek? If "yes," then will these water rights be used by the subdivision, and if so, for what purposes? Water rights have a specific beneficial use, and any current beneficial uses are likely for irrigation and/or stock water rights for agriculture. It would be erroneous to assume that these rights would automatically be valid for other uses such as lawn and garden irrigation or fishponds. Presence or absence of water rights to Willow Creek should probably be addressed in the covenants. If no water rights exist for--or are not being transferred to--the property, then the covenants should clearly state that water cannot be diverted from the stream for any use, and that residents should consult with the Montana Department of Natural Resources and Conservation for questions on water rights.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

Covenants for Brooks Hotel, Lot 6-A (R&G, Inc.) subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; June 27, 2008

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors when not in use. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Section __: Riparian Area Use

On each side of Willow Creek is a 100-foot *no-build* setback (zone) from the *high-water mark*. The first 50 feet outward from creek's high water mark is additionally designated as a no-build, no-development "*buffer zone*." The following restrictions apply to the buffer zone and/or the entire 100-foot no-build zone, as listed:

1. No building, no new roads or alteration is allowed in the buffer zone. Additionally, no buildings are allowed in the entire 100-foot no-build setback zone.
2. No motorized use is allowed in the buffer zone. Only foot traffic is allowed in the buffer zone.
3. It is illegal to modify the streambed or streambanks of a perennial stream without a "310" permit (Montana Natural Streambed and Land Preservation Act). Any stream crossings need to follow any and all local and/or state regulations relative to bridge/culvert construction materials/methods. Certain other actions near a stream may require state and/or federal permit(s). Contact the Bitterroot Conservation District office for further information.
4. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
5. Do not plant lawns in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
6. In summary, allow riparian areas (the creek and its buffer zone) to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
7. These riparian covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

May 29, 2008

Re: Sensitive Species waiver, Brooks Hotel Lot 6-A Major Subdivision

6/19/08

Renee-

I reviewed the Sensitive Species Waiver request prepared for the Brooks Hotel Lot 6-A Major Subdivision on May 29, 2008. Montana Natural Heritage Program data indicated that the only the Grey Wolf, Fringed Myotis, Townsend's Big-Eared Bat, and Bull Trout are located within the section. The waiver request states that the subject property does not provide suitable habitat for the aforementioned species.

Based on the proximity to the community of Corvallis and the lack of suitable habitat for the listed species, I would recommend granting of the waiver request.

Please find attached the waiver request from Russ Hunt and the MNHP data and map.

Please review and provide comment.

Thank you-

Tristan

I agree that waivers should be granted for the gray wolf, fringed myotis, and the Townsend's Big-Eared Bat. While Mr. Hunt states "the development of this property would not appear to significantly affect bull trout habitat," that is not clear evidence that the portions of the ditch and creek traversing the property do not support bull trout. I'm guessing that this is not bull trout habitat because of the proximity to Corvallis, but there's no "clear evidence." I would send Chris Clary a quick email or ask Russ to send it.

fern
jane

EXHIBIT A-14

To: Ms. Karen Hughes/Ravalli Co. Planning Dept.
From: Mr. Russ Hunt
Re: Sensitive species report waiver for AP Lot 6-A, Brooks Hotel
Date: Aug. 14, 2007

Ms. Hughes,

A waiver from a sensitive species report for AP Lot 6-A, Brooks Hotel is requested, for the following reasons respecting each indicated flora or fauna:

- 1) Fringed Myotis: As indicated by David Genter and Katharine Jurist of the Montana Natural Heritage Program, conservation needs are mainly focused on protecting roosting and hibernacula sites, none of which are present on this property.
- 2) Townsend's Big-eared Bat: As for the Fringed Myotis, protection and preservation of roosting sites (see FWP report) are primary, and consist mainly of caves and mines.
- 3) Bull trout: Indicated for Surprise Ditch and Willow Creek. This site is located in Corvallis with relatively high density, accompanied by a creek setback. Impact from the development of this property would not appear to significantly affect bull trout habitat
- 4) Gray wolf: Proximity to Corvallis would seem to negate any impact on wolves.

Yours,

Mr. Russ Hunt

A handwritten signature in cursive script, appearing to read "Russ Hunt".

RECEIVED

Sensitive Species Report for Bull Trout for Brooks Hotel, Lot 6-A, AP,

Parcel #61980

Geocode 13-146804201450000

Prepared by Theresa Blazicevich

Log Cabin Environmental Consulting, LLC

JUL 01 2008

Ravalli County Planning Dept.

IC-08-07-821

The species of concern report from the Montana Natural Heritage Program lists an observation of Bull Trout in the Bitterroot River in Township 6 North, Range 20 West, Appendix A. The report did not specify any observations of Bull Trout in Willow Creek. A site visit to this property on June 16, 2008 revealed that the section of Willow Creek near this property had limited riparian vegetation with mostly grass-lined banks. The creek was high and muddy during the site visit.

It appears that Willow Creek is similar to other creeks in the Bitterroot Valley where Bull Trout are observed in the cooler, upper reaches of the drainage and not observed in the lower reaches of the drainage. This is typical for this species that prefers cold water with low sediment levels. Also, many of the drainages have barriers that do not allow the fish to migrate upstream from the river. Bull Trout have been found in the upper reaches of Willow Creek on Forest Service property and immediately downstream of Forest Service property and have not been observed in the lower reaches of the drainage, personal communication with Chris Clancy, Montana Fish, Wildlife and Parks, June 23, 2008, and the US Forest Service, June 18, 2008. Bull Trout were not found at the Teller Wildlife Refuge downstream of this property, personal communication with Chris Clancy. Therefore, it appears that the portion of Willow Creek near this property does not provide suitable habitat for Bull Trout.

As with any creek, adequate setbacks should be maintained to allow establishment of riparian vegetation and provide a buffer along Willow Creek to maintain and improve water quality.

A vicinity map is attached, Appendix B. An aerial photo of the property, showing the location of the creek, is attached, Appendix C. The resume of the biologist that prepared the report is also included, Appendix D.

EXHIBIT A-15